

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1101/2017

Dated Friday, the 22nd day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

R. Kumaravel

... Applicant

By Advocate M/s Suvitha George

Vs

1. Union of India represented by the
Government of Puducherry
through the Secretary to Government for Education
Chief Secretariat, Puducherry.

2. The Deputy Director
Adult Education
Directorate of Education
Perunthalaivar Kamarajar Centenary Education Complex
100 Feet Road, Anna Nagar
Puducherry.

3. The Director of School Education
Puducherry.

... Respondents

By Advocate Mr. R. Syed Mustafa

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondent to appoint the applicant on compassionate ground in any regular Group 'D' post with effect from 10.07.1997 the date on which the applicant was engaged on part-time basis on compassionate grounds with all other consequential benefits including seniority, and other service benefits and to pass such other or further orders in the interest of justice and thus render justice .”

2. The grievance of the applicant is that the applicant had not been granted compassionate ground appointment on regular basis w.e.f 10.07.1997, the date on which the applicant was engaged on part time basis albeit on compassionate grounds. It is submitted that the applicant's father expired on 16.11.1995 and thereafter the applicant was engaged as a Casual Labourer on part time basis w.e.f 10.07.1997. The services of the applicant were subsequently regularized as MTS (Security) w.e.f 15.07.2014 instead of granting him regular appointment from the initial date of engagement itself.

3. The applicant filed OA 1450/2015 which was disposed of by an order of this Tribunal dated 25.01.2017 with a direction to the applicant to make a representation to the respondents and to the respondents to consider the case of the applicant in a sympathetic manner since he had put in 17 years of service in the respondents' department and pass a

reasoned and speaking order as expeditiously as possible. The impugned Annexure A-10 order dated 19.04.2017 came to be passed in pursuance thereof. Aggrieved by the rejection of his request for regular appointment from the initial date of engagement, the applicant is before the Tribunal in this second round of litigation.

4. Learned counsel for the applicant submits that the applicant had been denied full time regular appointment on compassionate basis on the ground that he did not possess the requisite educational qualification for appointment to any post. However, the requirement of educational qualification could have been relaxed in the case of compassionate appointment and the applicant allowed time to acquire the qualification. The indigent condition of the family should have been the only consideration for appointment on compassionate grounds. The lack of educational qualification was no bar to be granted Group D post on regular basis, it is contended.

5. On perusal, it is seen that the respondents have passed the impugned order relying on the conditions attached to the part time engagement of the applicant in 1997. The applicant was to work for more than three hours a day and would be entitled to consolidated pay as fixed by the Government from time to time. He would be considered for appointment against regular vacancies as and when a vacancy arose under compassionate appointment quota. In respect of those who were overaged or did not possess the required minimum educational

qualification as prescribed in Recruitment Rules, such applicants would be considered for regular appointment subject to the grant of relaxation by the Government. His engagement as part time employee would be reckoned for the purpose of absorption and considered against regular posts either for absorption or appointment under compassionate appointment quota whichever is earlier.

6. It is further seen that subsequently the applicant was engaged as full time casual labourer w.e.f. 01.08.2006 and was shifted to the post of MTS (Security) as per seniority list finalized and maintained by the respondents. Accordingly, the applicant joined the post on 18.07.2014 by absorption. The applicant after a period of 18 years could not turn around now and question his engagement as a part time labourer in 1997, it is stated.

7. The impugned order further states that 29 candidates were offered part time posts in 1997 due to non availability of regular posts on compassionate grounds. In the case of the applicant, he was appointed on part time basis based on his educational qualification of 8th standard-discontinued. From 2002 to 2016 the department had offered 31 regular posts in various cadres such as Primary School Teacher, Balasevika, Sewing Teacher, Trainee Primary School Teacher, Conductress, etc on compassionate grounds to the wards/spouses of deceased Government servants. However, the applicant was found ineligible for the said posts.

8. I have considered the pleadings and submission made by the counsel. It is not in dispute that for want of regular vacancies in 1997, the respondents had only offered part time employment to 29 candidates. In the case of the applicant, he was not granted regular appointment also for the reason that he did not possess the requisite educational qualification. There is nothing on record to show that had he possessed the requisite educational qualification or fulfilled the eligibility condition and vacancies were available for him to be appointed on regular basis in the said year. It is also not in dispute that the applicant could not have been appointed on compassionate basis to any of the 31 regular posts in various cadres between 2002 & 2016 as he was not eligible for the posts.

9. The applicant has since been absorbed on a regular post of MTS w.e.f 18.07.2014. His request for being appointed on regular basis w.e.f 10.07.1997 is hugely time barred and appears to be an after thought. I find no infirmity in the impugned order. The OA is devoid of merits and is dismissed. No costs.

(R.RAMANUJAM)
MEMBER (A)
22.02.2019

M.T.